84TH CONGRESS } HOUSE OF REPRESENTATIVES { REPORT
2d Session } { No. 2420

MAKING FEDERAL PROBATION ACT APPLICABLE TO THE DISTRICT OF COLUMBIA UNITED STATES DISTRICT COURTS

JUNE 25, 1956.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. WILLIS, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 6870]

The Committee on the Judiciary, to whom was referred the bill (H. R. 6870) to amend the Federal Probation Act to make it applicable to the United States District Court for the District of Columbia, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE

The purpose of this legislation is to bring the United States District Court for the District of Columbia under the provisions of the Federal Probation Act.

STATEMENT

Section 3651 of title 18, United States Code, together with the other sections of chapter 231 of that title, relating to probation, are now applicable to all Federal courts having jurisdiction to try offenses against the United States "except in the District of Columbia." The United States courts in the District are the only ones in the Nation which are not governed by its provisions. This situation came about in the following manner:

Back in 1910, before the Congress made provision for probation in the United States courts generally, it made a specific provision for the control of probation in the District of Columbia. In 1925, when Congress enacted general provisions on probation in the United States courts throughout the Nation, it excepted the courts in the District of Columbia, which already had, as noted, a probation act.

However, the provisions relating to probation in the District of Columbia places the courts of the District in a position, probation-

wise, that is different from the other Federal courts of the United States. It is the underlying purpose of this legislation to bring District of Columbia district courts in line with others, so that the probation law will be uniform for all United States district courts. It should be pointed out that the United States district courts of the District of Columbia not only handle those cases which are ordinarily handled by United States district courts throughout the country, but have a greater number of criminal prosecutions perhaps than any other district in the Nation since, by statute, the Attorney General is authorized to institute prosecutions in a wider range of criminal cases here in the District of Columbia.

The bill as drawn will repeal the probation provisions of the District of Columbia Code, insofar as the United States district courts are concerned, but it leaves in effect the probation laws insofar as the District's municipal and juvenile courts are concerned. This is for the reason that these courts have jurisdiction over so-called minor, local crimes which, in a sense, is comparable or analogous to similar jurisdiction exercised by State courts.

This legislation was requested by the Administrative Office of the United States Courts. Attached are communications from the Department of Justice and the District of Columbia.

DEPARTMENT OF JUSTICE,
OFFICE OF THE DEPUTY ATTORNEY GENERAL,
Washington, December 1, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: This is in response to your request for the views of the Department of Justice concerning the bill (H. R. 6870) to amend the Federal Probation Act to make it applicable to the United States District Court for the District of Columbia.

Section 3651 of title 18, United States Code, relating to the suspension of sentence and probation, is now applicable to all courts having jurisdiction to try offenses against the United States, "except in the District of Columbia." The District Court for the District of Columbia is governed by section 24–102 of the District of Columbia Code in its exercise of probationary powers. Section 1 of the bill will amend section 3651 of title 18 so as to make it applicable to the District Court for the District of Columbia.

Section 2 of the bill proposes to repeal section 24–102 of the District of Columbia Code insofar as it applies to the United States District Court for the District of Columbia. For clarity it may be desirable to amend the language of the section so as to repeal not "The Act approved" etc., but rather "Section 2 of the Act approved" etc.

The Federal Probation Act consists of sections 3651 through 3656 of title 18, United States Code. The substance of 3652 is contained in rule 32 (c) and (e) of the Federal Rules of Criminal Procedure, applicable in all district courts including that of the District of Columbia. Likewise, by virtue of section 2 of the act of August 2, 1949 (63 Stat. 491), the provisions of sections 3654, 3655, and 3656 of title 18 were made applicable to the United States District Court for the District of Columbia, Hence, the only section of the Federal Probation Act

the application of which to the District Court for the District of Columbia may be in doubt is section 3653. It is suggested that the bill be amended so as specifically to make that section applicable to the District Court for the District of Columbia. Although such section may, by reason of the amendment proposed by section 1 of the bill to section 3651 of title 18, be construed to apply in the District of Columbia, a specific provision to that effect will eliminate any possibility of doubt.

Accordingly, the Department of Justice has no objection to the enactment of the bill as proposed to be amended.

The Bureau of the Budget has advised that there is no objection to the submission of this recommendation.

Sincerely,

WILLIAM P. ROGERS,
Deputy Attorney General.

MAY 17, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CELLER: Reference is made to your letter dated May 8, 1956, advising that a public hearing will be held on May 18, 1956, at 10:30 a. m., on the following bill: H. R. 6870, to amend the Federal Probation Act to make it applicable to the United States District Court for the District of Columbia.

The Commissioners would be pleased to have this letter included in the record as stating their views on the legislation.

The bill would apply to the United States District Court for the District of Columbia the provisions of the Federal Probation Act and would make inapplicable to such court the provisions of law relating to probation now in effect in the District of Columbia.

Under present District law probation may be granted in any case except the following:

(*a*) Treason.
(*b*) Homicide.
(*c*) Rape.
(*d*) Arson.
(*e*) Kidnaping.
(*f*) Second felony conviction.

Under the Federal Probation Act probation may be granted in any case except in cases where the punishment may be by death or life imprisonment. If the Federal Probation Act is made applicable to the United States District Court for the District of Columbia, the excepted offenses in the District would be:

(*a*) Treason.
(*b*) Murder (first degree).
(*c*) Murder (second degree).
(*d*) Rape (in cases where the jury directs that the penalty be death).
(*e*) Kidnaping.

The Commissioners have been advised that this legislation has been approved by the Judicial Conference of the District of Columbia Circuit and by the Judicial Conference of the United States.

The Commissioners offer no objection to the enactment of the bill.

Time has not permitted the securing of advice from the Bureau of the Budget as to the relationship of this report to the program of the President.

Yours very sincerely,

ROBERT E. MCLAUGHLIN,
President, Board of Commissioners, District of Columbia.

CHANGES IN EXISTING LAW

In compliance with clause 3 of rule XIII of the House of Representatives, there is printed below in roman existing law in which no change is proposed, with matter proposed to be stricken out enclosed in black brackets:

18 U. S. Code 3651, first paragraph

Upon entering a judgment of conviction of any offense not punishable by death or life imprisonment, any court having jurisdiction to try offenses against the United States [, except in the District of Columbia,] when satisfied that the ends of justice and the best interest of the public as well as the defendant will be served thereby, may suspend the imposition or execution of sentence and place the defendant on probation for such period and upon such terms and conditions as the court deems best.

Parallel column analysis, new provision in left column; superseded provision in right column.

District of Columbia

Bill as Reported

(new provision)

Sec. 2. The Act approved June 25, 1910 (36 Stat. 864; secs. 24-102, D. C. Code), is repealed insofar as it applies to the United States District Court for the District of Columbia.

District of Columbia Code, §§ 24–102

(superseded provision)

The District Court of the United States for the District of Columbia shall have power in any case, except those involving treason, homicide, rape, arson, kidnaping, or a second conviction of a felony, after conviction of after a plea of guilty of a felony or misdemeanor and after the imposition of a sentence thereon but before commitment, and the said police court shall have like power, after a conviction or a plea of guilty in any case of misdemeanor, to place the defendant upon probation, provided that it shall appear to the satisfaction of the court that the ends of justice and the best interests of the public as well as of the defendant would be subserved thereby, and may suspend the imposition or execution of the sentence, as the case may be, for such time and upon such terms as it may deem best and place the defendant in charge of a probation officer. The probationer shall be provided by the clerk of the court with a written statement of the terms and conditions of his probation at the time when he is placed thereon. He shall observe the rules prescribed for his conduct by the court and report to the probation officer as directed. No person shall be put on probation except with his or her consent. (June 25, 1910, 36 Stat. 864, ch. 433, § 2.)

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